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# Laws, regulations and administrative measures adopted by sponsoring States and other members of the International Seabed Authority with respect to the activities in the Area

## Report of the Secretary-General

**Addendum**

## Mexico

1. On 21 December 2011, by its note verbal No. 2462, the Embassy of Mexico in Jamaica submitted to the secretariat of the International Seabed Authority a report on the laws, regulations and administrative measures of Mexico on underwater mining, and two publications from the Ministry of the Environment and Natural Resources of Mexico, including (a) a guide for the presentation of environmental impact statements for the mining sector (available from http://tramites.semarnat.gob.mx/Doctos/DGIRA/Guia/MIAParticular/g_minera.pdf); and (b) an analysis of gaps and omissions in the conservation of marine biodiversity in Mexican oceans, coasts and islands (available from www.biodiversidad.gob.mx/pais/pdf/LibroGapMarino.pdf).

2. In order to contribute to the Authority's compilation of relevant national judicial frameworks and the creation of "model laws" on underwater mining, the report was prepared to inform the Authority of the laws, norms and administrative methods on environmental matters relating to the mining areas within Mexico's national jurisdiction. According to the report, to date, no laws, norms or specific administrative methods have been developed relating to activities in the Area, and no mining activities have been reported in the maritime areas under Mexico's jurisdiction. However, since the 2005 modification of Mexico's Mining Law, the deep seabed has been considered a possible concession space for the exploration and exploitation of minerals. Mexico's Federal Oceans Act provides that the works and exploitation carried out in the islands, deep seabed and subsoil of the exclusive economic zone, as well as in natural protected areas and national territorial waters of Mexico, can only be conducted with the authorization, permission or concession of the relevant authorities for each of these marine areas, pursuant to the rules,

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norms and policies of the Federal Oceans Act and its Regulations, and to the environmental laws in effect in Mexico.

3. Environmental legislation and administrative measures relating to mining activities in maritime areas under Mexico's national jurisdiction cover four main areas, i.e., (a) environmental impact assessments; (b) monitoring; (c) the establishment of natural protected areas; and (d) the identification of vulnerable deep sea ecosystems. These four areas are elaborated in the report and summarized below by the secretariat of the Authority.

4. The environmental impact assessment procedure is regulated mainly by Mexico's General Law on Ecological Balance and the Protection of the Environment, and its Regulations on Environmental Impact Assessment. The Federal authority responsible for that function is the Ministry of the Environment and Natural Resources, which is responsible for environmental impact assessments and authorizing mineral exploration and exploitation activities. The Ministry published the guide for the presentation of environmental impact statements for the mining sector (see para. 1 above), a reference document that aims to help those undertaking mining activities or projects to provide an ordered, clear and complete presentation of the results of their assessments of environmental impacts on ecosystems. In Mexico, an environmental impact assessment is considered part of the planning tasks and therefore a precondition when submitting an activity or project for approval. It is considered useful to create flow charts of the environmental impact assessment as a strategy to facilitate the fulfilment of the standard framework in this area. The report also details the environmental impact assessment procedure in Mexico.

5. The monitoring of mining activities in the maritime area under Mexico's national jurisdiction is compulsory and regulated by the General Law on Ecological Balance and the Protection of the Environment and the Regulations on Environmental Impact Assessment. In accordance with the General Law, the Ministry of the Environment and Natural Resources is authorized to carry out, on its own or as mandated by the Secretary of the Navy, actions to inspect and monitor compliance in Mexican maritime areas. Sanctions are imposed, where appropriate, for non-compliance. The Regulations on Environmental Impact Assessment also provide that the Ministry of the Environment and Natural Resources, through the Public Prosecutor for the Environment, shall inspect and monitor compliance with the arrangements in the Regulations and impose all security measures and sanctions deemed applicable to a particular case.

6. The establishment of natural protected areas and identification of vulnerable deep sea ecosystems are considered additional tools for the protection and preservation of the marine environment. The report indicates that, although the Mexican juridical system did not anticipate arrangements specifically applicable to the identification of vulnerable deep seabed ecosystems, those ecosystems could be protected by the establishment of natural protected areas. The categories and procedures for their establishment and other judicial measures relative to the natural protected areas under federal authority are regulated in section I of the second part of the General Law on Ecological Balance and the Protection of the Environment, and in the rules of the General Law concerning matters of natural protected areas. Article 51 of the General Law provides that, in order to preserve and protect the marine ecosystems and regulate the sustainable enjoyment of aquatic flora and fauna

in Mexican marine areas, natural protected areas could be established in the form of biosphere reserves, national parks, natural monuments, protected flora and fauna areas and sanctuaries. Article 51 also sets out the coordination between the Ministry of the Environment and Natural Resources and the Maritime Ministry for the establishment, management and monitoring of such natural protected areas. The rules concerning natural protected areas also regulate the use of permitted employment, prohibitions, and the procedures for obtaining the authorization of the Ministry of the Environment and Natural Resources through the National Commission for Natural Protected Areas, in order to facilitate mining exploration and exploitation work conducted in natural protected areas.

7. With regard to identifying vulnerable deep seabed ecosystems, a national environment policy was recently formulated in Mexico through the document entitled "National environmental policy for the sustainable development of Mexico's oceans and coasts: Strategies for their conservation and sustainable use" (see A/61/372, annex). One of the developments regarding the strategy of that policy was the process of determining the preparatory sites for marine biodiversity conservation. Valuable deep seabed ecosystems were also identified. Those efforts constitute a reference framework for decision-making and identifying priorities related to the marine ecosystems, to improve the knowledge, conservation and sustainable management of natural resources.